

# EXHIBIT C



704C East 13th Street, Suite 568  
Whitefish, MT 59937

Cathy Willis  
Acting FOIA Officer  
Fish & Wildlife Service  
Email: fwhq foia@fws.gov

May 28, 2019

Dear Records Request Officer:

### **Background Information**

This request seeks to expose all instances of Department of Interior's political appointees interfering in the Freedom of Information Act process, delaying the production of documents, and forcing FOIA officers to withhold responsive documents from its productions.

On May 22, 2019, *Roll Call* published an article revealing that the Department of Interior's political appointees had been allowing political appointees to "weigh in on which federal records are released to the public, creating delays that could violate open records law and expose the department to legal action."<sup>1</sup> The article cited NPS-2018-00843, a FOIA request sent in by Western Values Project, and named political appointee Heather Swift as the apparent cause of 80 pages of responsive material not being included in the release of information from the National Park Service. Per this article, this political review has been occurring for more than a year, and has also affected the release of information on an unknown number of other FOIAs sent to Interior and its associated bureaus.

### **FOIA Request**

Pursuant to the Freedom of Information Act, I request access to and copies of all correspondence sent since May 1, 2018, by any political appointee in the Department of the Interior's Office of the Secretary to anyone in the FOIA office of Fish & Wildlife Management, related to any FOIA submitted by Western Values Project or its Executive Director Chris Saeger. This should include all correspondence where a political appointee discussed, commented on, or conducted a political awareness review of, any FOIA sent in by WVP.<sup>2</sup>

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Jacob Holzman, "[Interior Department policy let political appointees review FOIA requests](#)," *Roll Call*, May 22, 2019

<sup>2</sup> DOI FOIA Contacts, <https://www.doi.gov/foia/contacts>

"All correspondence" should include, but not be limited to, copies of digital and hardcopy information sent via letters, texts, emails, BisonConnect messages, and faxes, by any political appointee in the Office of the Secretary any of these individuals during this time period.

This should not include correspondence such as daily newsletters or daily news clips, unless those daily newsletters or daily news clips include additional commentary from the said political appointees.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), Western Values Project requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).<sup>3</sup>

Western Values Project requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding" of government operations and is not "primarily in the commercial interest of the requester."<sup>4</sup> The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, Western Values Project does not have a commercial purpose and the release of the information requested is not in Western Values Project's financial interest. Western Values Project's mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. Western Values Project will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. Western Values Project will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, Western Values Project qualifies for a fee waiver.

### **Conclusion**

If possible, I would prefer to receive this information electronically via e-mail at [csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org).

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<sup>3</sup> See, e.g., *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

<sup>4</sup> 5 U.S.C. § 552(a)(4)(A)(iii)

If you have questions or need additional information, please feel free to contact Brad Hennessy, my associate who will be handling all follow-up on this request. Brad can be reached at [brad@westernvaluesproject.org](mailto:brad@westernvaluesproject.org) or at (406) 924-9491.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. If any documents are withheld based on the Agency's interpretation of any exemption, we request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). Specifically, this *Vaughn* index should describe withheld documents with enough specificity as to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Chris Saeger  
Executive Director  
Western Values Project